

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983

JOINT STATUS REPORT

Pursuant to the Court's May 9, 2022 Order (Dkt. 96 at p. 37), counsel met and conferred by telephone on May 17, 2022 and May 24, 2022 and also by email on various dates.

The parties present their Joint Status Report as follows:

1. Position on Trial.

The parties agree that the best approach to trying this case is to have one trial on all claims. Multiple trials will be more costly to the parties, will consume more of the Court's time than a single trial, and implicates the risk of inconsistent verdicts. The parties expect to propose a more concrete trial management plan once further progress has been made in discovery and once the Court has ruled on the parties' forthcoming motions for summary judgment.

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1 **2. Deadline to Add Additional Parties.**

2 Plaintiffs will not add additional plaintiffs to this current case, and the parties agree that
3 there is no need for a new deadline by which to add additional parties.

4 **3. Proposed Amendment to Trial Date.**

5 The parties agree with the Court's statements at the hearing on April 20, 2022 that this case
6 cannot be ready for trial by October 2022 and, in fact, not for some months beyond that date. The
7 parties have conferred and exchanged other trial commitment dates and have concluded that the
8 earliest feasible date to try this case, taking into account both parties' other trial commitments, is
9 June 23, 2023 or as soon thereafter as the Court's schedule allows.

10 Outside counsel for the City: Outside trial counsel for the City is lead counsel for King
11 County in *King County v. Aquatherm GmbH, et al.*, No. 19-2-07910-0 SEA (King Cty. Super. Ct.),
12 which is set for trial beginning November 7, 2022. Trial time will be at least six weeks. The case
13 was filed in March 2019 and has been continued six times.

14 Outside trial counsel for the City in this case also is lead counsel for the City in *Kitcheon,*
15 *et al. v. City of Seattle*, No. 19-2-25729-6 SEA (King Cty. Super. Ct.), which is set for trial
16 beginning February 13, 2023, with trial time of at least two weeks.

17 Plaintiffs' counsel: Plaintiffs' counsel is trial counsel for Johnson & Johnson in *State of*
18 *Washington v. Johnson & Johnson, et al.*, case no. 20-2-00184-8, pending in the King County
19 Superior Court, which is set to begin trial on September 19, 2022 and is anticipated to last for eight
20 weeks.

21 Plaintiffs' counsel are also special appointed prosecutor for the cases of *State v. Christoher*
22 *Shane Burbank*, case no. 21-1-01286-6, *State v. Matthew J. Collins*, case no. 21-1-01287-4, and
23 *State v. Timothy Eugene*, case no. 21-1-01288-2, pending in the Superior Court for Pierce County
24 Washington (pertaining to the death of Manuel Ellis while in police custody) all of which are set
25 for trial in late January 2023, and anticipated to last for eight to ten weeks.

1 Plaintiffs' counsel are also trial counsel for Brian Rice in *United States v. Jesenik, et al.*,
 2 case no. 20-CR-228, pending in the United States District Court for the District of Oregon, which
 3 is set to begin trial on April 3, 2023, with an anticipated trial time of eight weeks.

4 **4. Position on Trial Length.**

5 The parties believe that trial of all of plaintiffs' claims can be completed in six weeks.

6 **5. Proposed Amendment to Case Schedule.**

7 The parties agree that amending the current case schedule (*see* Dkt. 46) to conform to the
 8 suggested trial date is in order and propose the following:

- 9 • All remaining discovery, both fact and expert, be completed by August 31, 2022.
- 10 • All motions related to discovery be filed by August 4, 2022.
- 11 • All motions for summary judgment be filed by September 29, 2022.
- 12 • All spoliation motions be filed by September 29, 2022.
- 13 • All responses to summary judgment and spoliation motions are due October 28, 2022.
- 14 • All replies in support of summary judgment and spoliation motions are due
 15 November 15, 2022.

16 The parties agree that all pre-trial deadlines (including the deadlines for motions related to expert
 17 witnesses and motions in limine) be set in accordance with the above proposed schedule, or as
 18 amended once the Court sets a new trial date.

19 The parties agree that hearing the parties' anticipated summary judgment and spoliation
 20 motions simultaneously is preferable mainly because of the overlapping issues. *See also* LCR 7(k)
 21 (encouraging parties filing cross motions to agree on a briefing schedule). The parties believe that
 22 the proposed deadlines provide adequate time for the Court to consider and resolve any such
 23 motions before trial.

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DATED this 27th day of May, 2022.

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